

CHAPTER 14

COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980

REGION V MANUAL

DELEGATIONS

14-9. Claims Asserted Against the Fund for Response Costs

1. AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Sections 111, 112 and 122; 40 CFR Part 300, "National Oil and Hazardous Substances Pollution Contingency Plan" (NCP); 40 CFR Part 307, "CERCLA Claims Procedures"; and 40 CFR Part 305, "CERCLA Administrative Hearing Procedures for Claims Against the Superfund":
 - a. To preauthorize claims against the Hazardous Substance Superfund for necessary response costs; and
 - b. To approve reimbursement for claimed response costs.
2. TO WHOM DELEGATED. The Director, Superfund Division, is delegated the authorities described by subparagraphs 1.a and 1.b.
3. LIMITATIONS.
 - a. The Director, Superfund Division, or the Regional Administrator must obtain approval from both the AA/OSWER and the Assistant Administrator for Enforcement and Compliance Assurance (AA/OECA) or his/her designee before exercising the authorities in 1.a (for the original preauthorization and any modifications thereto). The AA/OSWER and the AA/OECA or his/her designee may waive this limitation by memorandum.
 - b. The Director, Superfund Division, or the Regional Administrator must obtain approval from the AA/OSWER before exercising the authorities in 1.b. The AA/OSWER may waive this limitation by memorandum.
 - c. These authorities shall be exercised subject to approved funding levels.
4. REDELEGATION AUTHORITY. These authorities may not be redelegated.
5. ADDITIONAL REFERENCES.
 - a. EPA Delegation 14-13-B, *Concurrence in Settlement of Civil Judicial Actions.*
 - b. EPA Delegation 14-14-C, *Administrative Actions Through Consent Orders.*